

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Clarence Banks,

Case No. 5:09 CV 1569

Petitioner,

MEMORANDUM OPINION
AND ORDER

-VS-

JUDGE JACK ZOUHARY

Maggie Beightler, *Warden*,

Respondent.

Petitioner Clarence Banks, a prisoner in state custody, filed a Petition for a Writ of Habeas Corpus (Doc. No. 1). The case was referred to Magistrate Judge James Gallas for a Report and Recommendation (R&R) pursuant to Local Rule 72.2(b)(2).

The Magistrate Judge filed the R&R on July 7, 2010 (Doc. No. 7). Under 28 U.S.C. § 636(b)(1)(C):

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

This Court already granted Petitioner one extension to file objections, until August 4, 2010, after the initial ten-day period elapsed (Doc. No. 9). The extended period has elapsed, and no objections have been filed. The failure to file written objections constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *United States v. Sullivan*, 431 F.3d 976, 984 (2005).

The Court has reviewed the R&R, and having found it legally and factually accurate, adopts the R&R in its entirety. Therefore, the Court denies the Petition for Writ of Habeas Corpus (Doc. No. 1).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

August 13, 2010